

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
10/20/22 2:27 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN RE:)
SAM M BURNS) Case No. 22-21258 GLT
)
) Chapter 13
Debtor(s).) Related to Dkt. No. 39

CONSENT ORDER REGARDING INTERIM MORTGAGE MODIFICATION ORDER

On October 7 2022 the above named Debtor(s) and Respondent Fay Servicing, LLC (“Creditor”) entered into a trial modification (the “Trial Modification”), with respect to the first mortgage on the Debtor’s residence. The terms of the Trial Modification require monthly payments in the amount of \$2,163.03 (“Trial Payments”) to begin on **November 1 2022** and to continue in that amount until **January 1 2023** (the “Trial Modification Period”). In light of the need for an immediate change in the distribution to the Creditor, the Debtor(s) request the Court to enter this *Interim Mortgage Modification Order* until a final, permanent modification can be presented to the Court for approval.

AND NOW, this 20th day of October, 2022, for the foregoing reasons it is hereby **ORDERED, ADJUDGED and DECREED** that:

(1) The Chapter 13 Trustee is authorized and directed to modify the distributions to the above-named Creditor for the Trial Modification Period. Each Trial Payment shall be made in the

PAWB Local Form 47 (04/14)

Page 1 of 2

Amount of \$2,163.03 for the following months: November, December, January. Following the Trial Modification Period, the Chapter 13 Trustee shall continue to make distributions in the same amount as the Trial Payments until further Order of Court. Trustee is authorized to make these payments from available funds on hand.

(2) Debtor will remit additional funds as necessary to cover any shortfall between the current plan payment of \$1,854.00 and estimated plan payment required of \$ 2,376.15.

(3) An amended plan will be filed within ten (10) days of this Order.

(4) In the event that a Permanent Modification is reached between the Parties, the Debtor *immediately* shall file a *Motion to Authorize the Loan Modification* in compliance with *W.P.A.LBR 9020-6(d)*.

(5) Any Party may seek a further hearing regarding the amendment or termination of this *Order* at any time during the Trial Modification Period by filing an appropriate Motion.

(6) Within three (3) days of entry of this *Order*, Debtor shall serve this *Order* electronically on the Chapter 13 Trustee at the following email address: **LMP@chapter13trusteewdpa.com** and Debtor shall not be entitled to rely on CM/ECF or United States Mail for service of this *Order* on the Chapter 13 Trustee. The Debtor(s) Certificate of Service shall reflect service upon the above identified email address.

SO ORDERED, this 20th day of October, 2022


GREGORY L. TADDONIO **jah**
CHIEF UNITED STATES BANKRUPTCY JUDGE

Stipulated by:

/s/ Lawrence Willis Esq
Counsel to Debtor

Stipulated by:

/s/ Jim Warmbrodt, Esq
Counsel to Chapter 13 Trustee

Stipulated by:

/s/ Denise Carlon, Esq.
Denise Carlon, Esq.
KML Law Group, P.C.
Managing Attorney - Bankruptcy

cc: All Parties in Interest to be served by Clerk

In re:
Sam M Burns
Debtor

Case No. 22-21258-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Oct 20, 2022

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 20

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ++ | Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4). |
| ^ | Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2022:

| Recip ID | Recipient Name and Address |
|----------|--|
| db | + Sam M Burns, 370 Murdockville Road, Clinton, PA 15026-1316 |
| 15500629 | + PA Department Of Revenue, Bankruptcy Division, PO Box 788, Harrisburg, PA 17108-0788 |

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|---|----------------------|---|
| cr | Email/Text: BankruptcyECFMail@mccalla.com | Oct 20 2022 23:27:00 | US Bank Trust National Association, c/o McCalla Raymer Leibert Pierce, LLC, Bankruptcy Department, 1544 Old Alabama Road, Roswell, GA 30076 |
| 15494465 | + Email/Text: bk@avant.com | Oct 20 2022 23:28:00 | Avant/WebBank, 222 North Lasalle Street, Suite 1600, Chicago, IL 60601-1112 |
| 15494466 | + Email/PDF: creditonebknotifications@resurgent.com | Oct 20 2022 23:32:46 | Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873 |
| 15494467 | + Email/PDF: MerrickBKNotifications@Resurgent.com | Oct 20 2022 23:32:51 | Cws/cw Nexus, Attn: Card Services, Po Box 9201, Old Bethpage, NY 11804-9001 |
| 15494468 | Email/Text: ECF@fayservicing.com | Oct 20 2022 23:27:00 | Fay Servicing Llc, Attn: Bankruptcy Dept, Po Box 809441, Chicago, IL 60680 |
| 15494471 | Email/Text: BNBLAZE@capitalsvcs.com | Oct 20 2022 23:27:00 | First Savings Bank/Blaze, Attn: Bankruptcy, Po Box 5096, Sioux Falls, SD 57117 |
| 15494469 | + Email/Text: SAABankruptcy@fcbanking.com | Oct 20 2022 23:27:00 | First Commonwealth Bank, Attn: Legal Department, 601 Philadelphia St, Indiana, PA 15701-3952 |
| 15494470 | + Email/PDF: ais.fpc.ebn@aisinfo.com | Oct 20 2022 23:32:46 | First Premier Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524 |
| 15497771 | Email/Text: ktramble@lendmarkfinancial.com | Oct 20 2022 23:27:00 | Lendmark Financial Services, LLC, 2118 Usher Street, Covington GA 30014 |
| 15505245 | Email/PDF: resurgentbknotifications@resurgent.com | Oct 20 2022 23:32:46 | LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587 |
| 15494472 | ^ MEBN | Oct 20 2022 23:27:25 | Lendmark Financial, Attn: Bankruptcy, 1735 N Brown Rd, Ste 300, Lawrenceville, GA 30043-8228 |
| 15504485 | Email/PDF: MerrickBKNotifications@Resurgent.com | Oct 20 2022 23:32:49 | MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368 |
| 15494473 | + Email/Text: Mercury@ebn.phinsolutions.com | Oct 20 2022 23:27:00 | Mercury/FBT, Attn: Bankruptcy, Po Box 84064, Columbus, GA 31908-4064 |
| 15495777 | + Email/Text: RVSVCBICNOTICE1@state.pa.us | | |

District/off: 0315-2

User: auto

Page 2 of 3

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| | | | |
|----------|---|----------------------|--|
| | | Oct 20 2022 23:28:00 | Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946 |
| 15494474 | + Email/Text: bkelectronicnoticecourtmail@computershare.com | Oct 20 2022 23:27:00 | Sls/equity, Attn: Bankruptcy, 8742 Lucent Blvd., Highlands Ranch, CO 80129-2302 |
| 15494475 | + Email/PDF: gecsed@recoverycorp.com | Oct 20 2022 23:32:46 | Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064 |
| 15494476 | + Email/PDF: gecsed@recoverycorp.com | Oct 20 2022 23:32:51 | Synchrony Bank/JCPenney, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060 |
| 15512732 | ^ MEBN | Oct 20 2022 23:27:21 | US Bank Trust National Association et al, Fay Servicing, LLC, PO Box 814609, Dallas, TX 75381-4609 |

TOTAL: 18

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|--|
| cr | | US Bank Trust National Association, Not In Its Ind |
| 15500630 | | Range Resources |
| 15500620 | *+ | Avant/WebBank, 222 North Lasalle Street, Suite 1600, Chicago, IL 60601-1112 |
| 15500621 | *+ | Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873 |
| 15500622 | *+ | Cws/cw Nexus, Attn: Card Services, Po Box 9201, Old Bethpage, NY 11804-9001 |
| 15500623 | *P++ | FAY SERVICING LLC, P O BOX 814609, DALLAS TX 75381-4609, address filed with court:, Fay Servicing Llc, Attn: Bankruptcy Dept, Po Box 809441, Chicago, IL 60680 |
| 15500626 | *P++ | FIRST SAVINGS BANK BLAZE, ATTN BANKRUPTCY, 1500 S HIGHLINE AVE, SIOUX FALLS SD 57110-1003, address filed with court:, First Savings Bank/Blaze, Attn: Bankruptcy, Po Box 5096, Sioux Falls, SD 57117 |
| 15500624 | *+ | First Commonwealth Bank, Attn: Legal Department, 601 Philadelphia St, Indiana, PA 15701-3952 |
| 15500625 | *+ | First Premier Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524 |
| 15500627 | *+ | Lendmark Financial, Attn: Bankruptcy, 1735 N Brown Rd, Ste 300, Lawrenceville, GA 30043-8228 |
| 15500628 | *+ | Mercury/FBT, Attn: Bankruptcy, Po Box 84064, Columbus, GA 31908-4064 |
| 15500631 | *+ | Sls/equity, Attn: Bankruptcy, 8742 Lucent Blvd., Highlands Ranch, CO 80129-2302 |
| 15500632 | *+ | Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064 |
| 15500633 | *+ | Synchrony Bank/JCPenney, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060 |

TOTAL: 2 Undeliverable, 12 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2022 at the address(es) listed below:

| Name | Email Address |
|------|---------------|
|------|---------------|

Brian Nicholas

on behalf of Creditor US Bank Trust National Association Not In Its Individual Capacity But Solely As Owner Trustee For

District/off: 0315-2

User: auto

Page 3 of 3

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VRMTG Asset Trust bnicholas@kmlawgroup.com

Brian Nicholas

on behalf of Creditor US Bank Trust National Association bnicholas@kmlawgroup.com

Lawrence W. Willis

on behalf of Debtor Sam M Burns ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 5